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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th November, 1964:—

I

BILL No. XXI OF 1964

A Bill further to amend the Calcutta Port Act, 1890

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Calcutta Port (Amendment) Act, 1964. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. •

2. In section 91 of the Calcutta Port Act, 1890 (hereinafter referred to as the principal Act),— Amendment of section 91.

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) Whenever any goods shall be landed by the Commissioners from any vessel under the powers by this Act conferred on them, they shall, within twenty-four hours from the date of landing, give to the person in charge of such vessel, a receipt in the form or to the effect prescribed in the Second Schedule for all goods landed from such vessel during the day.”; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Commissioners shall prepare and issue an outturn report of every vessel within thirty days from the

Bengal
Act 8 of
1890,

common landing date, and thereafter, if it is found that any package or packages have not been landed, shall, if so required by the importer, issue shortlanding certificate therefor within thirty days of the issue of the outturn report.”.

**Amend-
ment of
section 112.** 3. In section 112 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

“(1) The responsibility of the Commissioners for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and to the provisions of the Indian Railways Act, 1890, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, omitting the words “in the absence of any special contract” in section 152 of the last-mentioned Act:

9 of 1890.
9 of 1872.

Provided that till the receipt mentioned in sub-section (1) of section 91 is given by the Board, the goods shall remain at the risk of the owner.”

**Amend-
ment of
section 113.** 4. In section 113 of the principal Act, in sub-section (2), for the words “five clear working days” the words “seven clear working days” shall be substituted.

**Substitu-
tion of
section 135.** 5. For section 135 of the principal Act, the following shall be substituted, namely:—

Saving. “135. No suit or other legal proceeding shall lie against the Commissioners or any person employed by or under them in respect of anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to or under the control of the Commissioners.”

**Amend-
ment of
section 142.** 6. In section 142 of the principal Act, for the words “three months” the words “one year” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Certain difficulties are being experienced by the trade in the working of the Act. The present Bill seeks to remove those difficulties.

M. P. BHARGAVA.

II**BILL No. XX of 1964**

A Bill further to amend the Bombay Port Trust Act, 1879.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Bombay Port Trust (Amendment) Act, 1964.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section
61A.

2. In section 61A of the Bombay Port Trust Act, 1879 (hereinafter referred to as the principal Act), after sub-section (1), the Act VI of 1879, following sub-section shall be inserted, namely:—

“(1A) The Board shall prepare and issue an outturn report of every vessel within thirty days from the common landing date and thereafter, if it is found that any package or packages have not been landed, shall, if so required by the importer, issue short-landing certificate therefor within thirty days of the issue of the outturn report.”.

Substi-
tution of
section
61B.

Respon-
sibility
of the
Board
for los-
ses, etc.
of goods.

3. For section 61B of the principal Act, the following section shall be substituted, namely:—

“61B. Subject to the provisions of this Act, the responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall,—

(i) in the case of goods received for carriage by railway, be governed by the provisions of the Indian Railways Act, 1890; and

9 of 1872.

(ii) in other cases, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, omitting the words 'in the absence of any special contract' in section 152 of the said Act."

4. In section 87 of the principal Act,—

(i) in the first paragraph, for the words "six months" the words "one year" shall be substituted; and

(ii) for the second paragraph the following shall be substituted, namely:—

"No suit or other legal proceeding shall lie against a Board or any member or employee thereof in respect of anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to or under the control of the Board."

Amend-
ment of
section 87.

STATEMENT OF OBJECTS AND REASONS

Certain difficulties are being experienced by the trade in the working of the Act. The present Bill seeks to remove those difficulties.

M. P. BHARGAVA.

III

BILL No. XXIII of 1964

A Bill to amend the Major Port Trusts Act, 1963.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

- 38 of 1963.
1. (1) This Act may be called the Major Port Trusts (Amendment) Act, 1964. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 2. In section 42 of the Major Port Trusts Act, 1963 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—
“(2A) Every Board shall prepare and issue an outturn report of every vessel within thirty days from the common landing date and thereafter, if it is found that any package or packages have not been landed, shall, if so required by the importer, issue shortlanding certificate therefor within thirty days of the issue of the outturn report.”
 3. In section 120 of the principal Act, for the words “six months”, the words “one year” shall be substituted. Amendment of section 120.

STATEMENT OF OBJECTS AND REASONS

Difficulties are being experienced by the trade in the clearance of goods short of full supplies. The present Bill seeks to remove the difficulties by providing for the issue of shortlanding certificates.

M. P. BHARGAVA.

IV

BILL No. XVII of 1964

A Bill to prevent the procreation of human beings of undesirable physical and mental conditions by certain types of people.

WHEREAS it is expedient in the interests of the health and well-being of society and the financial resources of the State, to prevent certain types of people suffering from highly undesirable physical and mental conditions, from procreating human beings like unto themselves:—

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sterilisation of the Unfit Act, 1964. Short title,
extent and
commencement.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

- (i) "board" shall mean a board of medical experts constituted under this Act;

(ii) "Court" means the District Court of the district in which the board is situated;

(iii) "sterilisation" includes such medical or surgical treatment as would effectively prevent any person, male or female, from giving birth to a child;

(iv) "unfit" person shall mean any person, male or female, who suffers from such a type of leprosy or tuberculosis or insanity or imbecility, congenital or otherwise, that he or she is likely to give birth to children like himself or herself unless sterilised.

**Constitu-
tion
of the
board.**

3. The Government may, by notification in the Official Gazette, constitute a board for each district including metropolitan cities, with the district medical officer as the chairman and four registered medical practitioners as members, of whom two shall be officials and two shall be non-officials.

**Procedure
for sterili-
sation.**

4. (1) Whenever information is given to the chairman of the board that any person is unfit, the board shall cause that person to be produced before it and examine him.

(2) On a written requisition by the chairman of the board to a magistrate of the first class having jurisdiction over the place where that person lives, summons shall be issued by that magistrate to that person for appearing before it and that person shall, by an order, be bound over to appear before the board:

Provided that the date fixed for appearance before the board shall not be less than twenty-one days from the date of such order.

(3) A copy of that order shall be furnished to that person forthwith free of cost.

(4) If on the date fixed for appearance before the board the person does not appear before it, the chairman of the board shall report the fact to the superintendent of police of the district.

(5) The superintendent of police shall thereupon order the arrest of that person by an officer not below the rank of an inspector of police for production before the board.

**Examina-
tion of
person.**

5. (1) The board shall then proceed to examine the person with reference to his unfitness. If the majority of the board decide that he is unfit, a declaration to that effect shall be made in writing; but if the majority hold that he is not unfit he shall be discharged forthwith.

(2) A copy of such declaration shall be furnished to that person the same day free of cost.

6. After a declaration by the board that the person is unfit, he shall be sterilised on an appointed day: Sterilisation of person.

Provided that the date fixed for the sterilisation of the unfit person shall not be less than twenty-one days of the declaration of unfitness referred to in section 5.

7. (1) Any person summoned by the magistrate to appear before the board and bound over shall have the right to appeal to the court against the order of the magistrate binding him to appear before the board. Appeals.

(2) Any person who has been declared unfit by the board shall have the right to appeal to the court against such declaration.

(3) If, on hearing the appeal, the court finds that the order binding over the person or the declaration that he is unfit is untenable for any reason, that person shall be discharged and the board shall not proceed against that person any further.

(4) Notwithstanding anything contained in this Act, the court shall have the power to grant stay of the proceedings pending the disposal of an appeal.

(5) An appeal under this Act shall lie within twenty days of the order or declaration, as the case may be.

8. Anyone who gives information against any person without any just or reasonable cause that that person is unfit with a view to induce the board to proceed under this Act, and if that information is found to be false or fraudulent or given with a view to annoy, intimidate, defame or disgrace that person, the person giving such information shall be liable to a fine of five hundred rupees. Penalty for false information.

9. The Central Government shall have the power to prescribe the method of sterilisation, the places where it should be done and the class of officers who will be authorised to perform sterilisation. Power to make rules.

10. No suit or prosecution or other legal action shall lie against any member of the board for anything which is in good faith done or intended to be done under this Act. Saving.

STATEMENT OF OBJECTS AND REASONS

In our country the idea of sterilisation has taken root and is being implemented for the control of population. The measure is resorted to on an entirely voluntary basis. Those suffering from leprosy, tuberculosis and mental diseases are however paying little heed to the scheme of planned parenthood, and as a result, while the normal and healthy persons in society are planning and limiting their families, the sub-normal, unhealthy and irresponsible individuals go on procreating in an unrestricted manner. In the larger interest of the society, therefore, people suffering from leprosy, tuberculosis or mental diseases should not be allowed to procreate. Their compulsory sterilisation will achieve that purpose.

Hence this Bill.

S. PARANJPYE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules in regard to certain matters. These matters include the prescription of the method of sterilisation, the places where it shall be done and the class of officers who will be authorised to perform the sterilisation. The matters in respect of which such rules may be made are matters of procedure or administrative detail. The delegation of legislative power is thus of a normal character.

FINANCIAL MEMORANDUM

Under clause 3 of the Bill provision has been made for the constitution of a board for the sterilisation of the unfit. This will involve certain expenditure from the Consolidated Fund of India in the case of the Central Government. The amount involved cannot precisely be stated at this stage.

B. N. BANERJEE,
Secretary.